

EXHIBIT G

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November 16, 2017

VIA E-MAIL

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1950
New York, New York 10007

Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.,*
 Case No. 15-CV-5345 (AJN) (KHP)

Dear Judge Parker:

We represent Crossclaim Defendants Viktor and Ilyas Khrapunov (the “Khrapunovs”) in the above-referenced matter. We believe the following should be taken into account when considering issues raised during the hearing on November 17th. We recently learned that Boies Schiller Flexner, LLP (“Boies Schiller”), counsel for BTA/Almaty, has been working with a black-ops corporate intelligence company called “Black Cube,” in its representation of Harvey Weinstein. Black Cube is an Israeli based firm, which has engaged in hacking. *See* Exhibit A, Nov. 6, 2017, New Yorker article entitled “Harvey Weinstein’s Army of Spies” at p. 5/17. Though Black Cube does not, as company policy, confirm or deny any work that it does on behalf of its clients, the agency did confirm in a public statement that it works with many US law firms “gathering evidence for complex legal processes, involving commercial disputes, among them uncovering negative campaigns.” *Id.* Last night, the New York Times published an article in which Boies Schiller “confirmed it had worked with a client that had hired Black Cube on at least one other occasion” in addition to the Harvey Weinstein representation, but did not identify this client. *See* Exhibit B, Nov. 15, 2017, New York Times article entitled “Deception and Ruses Fill the Toolkit of Investigators Used by Weinstein.”

It is important for us to understand whether Almaty, BTA Bank or Kazakhstan is the “other client”. We request that the Court require Boies Schiller to identify whether Black Cube is working with their clients in this case. This is especially pertinent given BTA and the Kazakh

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government's well documented history of employing covert organizations to surveil and hack both Mr. Ablyazov and the Khrapunovs, as well as BTA's history of misleading the court in the related UK litigation. *See* Exhibit C, Sept. 28, 2017, Financial Times article entitled "Spies, Lies and the Oligarch: Inside London's Booming Secrets Industry," which outlines BTA and Kazakhstan's relationship with Arcanum Global. Kazakhstan's willingness to employ espionage operations against political dissidents, including our clients, is currently the subject of an ongoing criminal investigation pending before the Geneva Office of the General Attorney. *See*, Exhibit D, Nov. 1, 2016 article entitled "Swiss Court Reopens Probe of Alleged Espionage by Kazakh Agents."

Finally, we call to the Court's attention the Order of The Court of Appeal by the Rt. Hon. Lady Justice Gloster, in London, dated 26 April in JSC BTA Bank v. Ablyazov. In that case, the decision in favor of BTA Bank was "re-opened" because BTA Bank misled the Court *See*, Exhibit E, April 26, 2017 Order of the Court of Appeal, Civil Division. This should be addressed by this Court in relation to any representation by BTA Bank upon which the Court is asked to rely.

Respectfully submitted,



John J. Kenney

cc: All Counsel of Record (by ECF)